From:

Beth Ericksen

To: CC: Lynn Kunzler

Date:

**Subject:** 

KEX need a NOV/CO?

Lynn,

M/035/002 Sell 1 only -T45 R3W Possible exploration Tom Munson 06/20/2008 12:44 PM

I placed some paperwork on your desk. The two letters were hand delivered to me from Rod Dansie who is a landowner in the Herriman area at the base of KUCC's dumps. I have included two maps for ease of reference location.

Based on the content of the KEX letter dated June 16, 2008, they plan on commencing exploration activities in June 2008. As shown on the colorful map (approved Jun 11 2003), the subject exploration project is adjacent to a recently approved exploration project within permit M/035/002. However, section 11, is within their existing permit but it doesn't appear to be included in their submittal that was approved in May 2008 (see map approved May 6 2008)

I want to mention that I have recently worked directly with Joey Wilkens and D. Olson, two people who KNOW permits are required!

Do I hear CO/NOV shouting in my ears?

If you need to call anyone consider Duane Olson 554 9925 and cell 204 0438. I mention Duane because I KNOW he is aware permits are required, Landman might not know. ... ticket time? (not that it matters, they all should know)

There is an included letter dated June 19, that is written by one of the Dansie's. Please note paragraph 3 and then he proceeds to discuss the cut locks situation.

Lucky you. Beth

Beth Ericksen Engineer State of Utah Department of Natural Resources Division of Oil, Gas, and Mining

contact information: ph: 801 538 5318

email: bethericksen@utah.gov Secretary: 801 538 5291

224 North 2200 West Salt Lake City, Utah 84116

Telephone: (801) 238-2400 Facsimile: (801) 238-2430 www.kennecottexploration.com

possible exploration pertaining to Sec 11 TAS RZW

June 16, 2008

hand delivered to Beth Ericksen 611912008

Herriman Irrigation Co. Attn: Almon Butterfield 6146 W. 13100 S Herriman, UT 84096

## **NOTICE OF EXPLORATION ACTIVITIES**

Dear Mr. Butterfield:

Kennecott Utah Copper Corporation is the mineral owner underlying the surface estate owned by Herriman Irrigation Company ("Surface Owner"), located in portions of Sections 10,(11) 14 and 15 in Township 4 South, Range 3 West, Salt Lake Meridian. Attached for your convenience are copies of the Warranty Deeds that split the estate, conveying ownership to Combined Metals Reduction Company from Thomas S. Butterfield and Martha Butterfield. Kennecott Utah Copper Corporation is a successor to Combined Metals Reduction Company.

Please notice this letter as Kennecott's intent to explore the mineral estate. Kennecott Exploration Company ("KEX") anticipates commencing exploration activities in June of 2008, to the extent and for as long as we determine reasonable and necessary. Exploration shall be for the purpose of (1) conducting mineral exploration; (2) performing non-destructive geochemical and geophysical tests of the subsurface of the land to detect the presence of underlying minerals; (3) brush cutting and laying of any temporary wire used for exploration, (4) creating or improving any existing road for access for drilling, (5) if warranted in KEX's discretion, construction of exploration drill-sites together with collection of drilling samples from those sites, and (6) performing reclamation of all constructed drill sites and created access roads (once the drilling has ceased) to as near the original state followed by re-seeding with BLM predetermined natural seedlings.

KEX, its employees and agents will not unreasonably interfere with Surface Owner's use of the Land, except to the extent required by KEX in conducting the activities described in the preceding paragraph. Due to the potential hazards associated with exploration, we will require that Herriman Irrigation Company, it employees, agents or shareholders not approach or otherwise interfere with our exploration activities, unless we have granted permission. KEX maintains public liability insurance.

KEX has previously replaced locks to gates across roads on Kennecott Utah Copper Corporation lands in Butterfield Canyon. The roads lead to various lands where Kennecott has mineral rights, including that estate underlying Herriman Irrigation Company. We respect your surface rights and have stated that we will provide you with a key to any replaced locks. I understand that some locks have since been further replaced by Herriman Irrigation Company. If in fact the

locks have been changed, we request a copy of this key, and expect your full cooperation in our exploration efforts. Please send the key to my attention.

Sincerely,

KENNECOTT EXPLORATION COMPANY

tax Best

Erik Best Landman

CC

D. Andrews

R. Franklin

J. Wilkins

D. Olson

STATE OF HEAR

🤄 соияту ор налу лаки )

I, william J. Korth, Clerk in and for the County of Salt Lake and Ex-Officia Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original FIRAL DECREE OF COMDESSATION, filed in the case of:

- P. P. ARENCROMBER, as Requirer of the property, right and franchises of Salt Lake and Utah Railroad Company, a corporation, Plaintiff, -vm- JOHN C. CUELER ASSOCIATION, A corporation, JOHN DEE and RICHARD DOE, Defendants. GASE NO. 44077 as appears of record in my office.

IN WITHOUT WHENCHOF, I have hereunto set my hand and affixed my official seal, this 24th day of April,

STAL DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT SALT LAKE COUNTY STATE OF UTAH

WILLIAM J. KORTH

By Alvin Keddington Deputy Clork

Recorded at the request of Moyle & Moyle, April 26, 1935 at 10:35 AM., in Book #142 of Beeds. Pages 335-36, Recording few paid \$2.60. (Signed) Jessie Evans, Recorder, Salt Lake County, Brah, by W. H. Howard, Deputy. Reference: C-37-248-29 and 30.). !mges 386-36.

#759522

AVARRABITY DEED

THOMAS S. BUTTERFIELD and MARTIN BUTTERFIELD, his wife, of Horriman, Utah, Grantors, hereby convey and Warrant to COMBINED METALS REDUCTION COMPANY, a corporation under the laws of Utah, Grantee, for the sum of \$10:00 and other valuable consideration, the following described tracts of land in Salt Hake County, Utah,

to-wit:

The West half of the Northwest quarter of Section 14, the North half of the Northeast quarter, the South-real quarter of the Northeast quarter, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter of Section 15, all in

Tomeship 4 South, Range 3 West, Salt lake Moridian, Surface rights, are reserved to Grantors and all minoral rights are hereby conveyed to Grancou, provided that Grantee shall have and is hereby given the right and continue to take and use so much of the surface at any time upon payment therefor to Grantors, their heirs, ad ministrators or assigns, of the rous muble value of such surface lands for grazing purposes, not to exceed the sum of \$12.50 per acre for the land so taken.

It is the intention of this deed that Grantors convey to Granton all mineral rights appertaining to any all lands owned by Grantors situate in Sections 14 and 15, Township 4 South, Range 3 West, Salt Lake

Meridian.

This doed is executed and delivered pursuant to and in execution of that certain agreement of option dated August 28, 1931 between the parties hereto.

Light Wilness the heads of said Grantors this 26th day of April, A. D. 1935.

Thos 3 Butterfield Martha E Butterfield

BTATE OF UTAH

COUNTY OF SAIT LAKE On the 28th day of April, A. D. 1936, personally appeared before me Thomas S. Butterfield and Martha Butterfield, his wife, the signers of the foregoing instrument and duly acknowledged to me that they executed the same.

Com expires 9/9/38-

SEAL H. VAN DAM, JR. NOTARY PUBLIC COMMISSION EXPINS 003. 10, 1930. SALT LANG CITY-STATE OF UTAH .

H Van Dan Jr Notary Public Salt Lake City, Utah.

The grand at the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respect of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the request of Thomas Homer, April 26, 1935 at 4:58 PM., in Book \$142 of Deeds, Page 336. Record-The respective of the respective of

WARRANTY DRED

WARRANT DEED And JEWNIE L. SIRD, his wife granters of Salt Lake City, County of Salt Lake, State of Utah, hereis University and Warrant to Religious Suliding Company, a Utah Corporation grantee, of Salt Lake City and County, State of Utah for the sum of Tem Dellars and other good, valuable and sufficient consideration the County, State of Utah:

[63] Invited Country and 76, Block 13, Douglas Park Addition.

Withess, the hands of said grantors, this oth day of March A. D. 1935.

Signed in the presince of Graham A Densy

Lee A Bird Jennie L. Bird

STATE OF UTAH, Country of Sale Lake } ...

the eighers of the within instrument, who half acknowledged to me that they executed the same.

by commission expires

URAMAN H. DOXET. SEAL MOTARY FUBLIC COMMISSION EXPIRES Graham E Dozey Notary Publica Residing at Salt Lake City.

SALT, LARE CITY-STATE OF UTAH.

SALT-LANS CITY-STATE OF UTAR.

SERRES St. the request of L. S. CARDON, APRIL 29, 1985, at 11:34 A. M. in Book \$142 of Douds, Page 336. Re-

#80 of Deads.

Recorded at request of Ingebrasion Ray-Rawline July 27, 1931 at 2:32 F.M. in Bk. #86 of Deeds.Pgs. 375-376.
Recording fee paid, \$1.30.(Signod) Jessie Evans, Recorder, Salt Loke County, Utah by W H Howard, Deputy.(Reference.)

#600.57

WAUSHANTY DEED.

THOMAS 3. INSTERFIELD ASD EARTHA BUTTERFIELD, his wife, of Herrison, Utoh, Grantors, hereby denies and warrent to COMBINED METALS REDUCTION COMPANY, a corporation under the laws of Utah, Grantes, for the sum of Ten (\$10.00) dollars and other volumble consideration, the following described tracks of land in Solt Lake County,

Usen, to-with

Lots One (1), Two (2) and Three (3), the Southwest quarter of the North-east quarter, the South half of the

Korth-mest quarter, the North half of the South-west quarter, the North-west quarter of the South-west quarter,

and the North-mest querier of the North-east querier of Section Ten (10), Township 4 South, Mange 3 West, Salt

Also Lots Three (3) and Ten (10) and the South-west quarter of the South-west quarter of Section Eleven (11),
Township 4 South, Range 3 Ment. Salt Laker Meridian,
Exaludin: from this grant any part of U.S. Lot No.-467 in conflict with said lands.

Brolled in: from this grant any part of U.S. Low Mo. west in consiste with said lands. Surface rights for graning purposes are reserved to granters, and all mineral rights are h-reby conveyed to grantes; provided that Grantes shall have and is horsely given the right and option to take and use so much of the surface at any time, upon payment therefor to granters, their heirs, administrators, and/or assigns, of the reasonable value of such surface lands for grasing purposes, not to exceed the sum of \$1200 per sore for the

This deed is delivered pursuant to and in execution of that certain agreement of option dated June 30, 1931, hetween Frilip C. Reynolds, first porty, and J.C. Jensen, Trustee, second party.

WITHESS THE HANDS of said Grantors this 29 day of July, A.D. 1931.

APPROVED:
Philp C Reynold
J C Jensen

Thomas & Butterfield Martha Butterfield

STATE OF UTAR,

County of Salt Lake

On the 29 day of July, A.D. 1031, personally appeared before me Thomas S. Butterfield and Martha Butterfield, his wife, the signers of the foregoing instrument, and duly seknowledged to me that they executed the same.

GUY M. SHYDER, HOTARY PUBLIC SALT LAKE CITY, STATE OF UTAH. COMMISSION EXPIRES NOV . 7, 1931.

Guy ¥ Snyder Notary Public, Salt Lake City, Utah.

Recorded at request of H. Wan Dorn July 30, 1931 at 12,16 P.M. in Bk. #66 of Deeds.Pg. 375. Recording fee raid, \$1.10.(Signed) Jessie Evans, Recorder, Salt Lake County, Utah by W H Howard, Deputy, (Reference:D-15-246-45)

**₫**880868

PEARL LYLE NEILS W of Salt Lake County, State of Utah, GRANTOR in consideration of the sum of fan and FEARL LYLE NEILS W of Salt Lake County, State of Utah, GRANTOR in consideration of the sum of Ten and (\$1,000) Dollars, in hand paid, receipt of which is hereby asknowledged, hereby commeys and warrants unto the Like City, a municipal composition of the State of Utah, GRANTER, the following described tract of land self-lake County, Utah, to-wit:

Beginning at a point South 231 Chet and West 225,06 feet and South 0°15' West 1883.13 feet from the Northeast former of the Southeast of Section 6, Tewnship 2 South, Range 1 East, Salt Lake Meridian, and running themse feet to the place of beginning.

The section of the Southeast former of the South from the Northeast feet to the place of beginning.

The section of the Southeast former of the South from the Northeast feet to the place of beginning.

The section of the Southeast former of the South from the Northeast feet to the place of beginning.

The section of the Southeast former of the South from the Northeast feet to the place of beginning.

underlying and contained in said land, or any pert thereof, together with all of the right, title and interest fabs waters, including all flowing wells, springs and the artesian, percolating, defined and natural sub-sur-land contained in any artesian basin underlying in whole or in part, Sentions 4, 5, 6, 7, 8, 8, 18, 17 and 18, 7, 2 8, 0 Grander waters.

IR. I for fait Late Meridian.

Orantor reserves the right to drive a well for culinary purposes on other property, not conveyed herein, bituate in the Southeast quarter of Section 6,T. 2 S., R. 1 E., Selt Lake Meridian. It is understood that also there preperty, not conveyed herein, this conveyance does not include any surface irrigation water. Ask and Orantor hereby waffants that she is the owner in fee simple of the last above described premises IN WITHEST WHEREOF, said Grantor has set her hand this 29 day of July A.D. 1931.

Bigned in the presonce of Table Medican

Pearl Lyle Neilson

State of Utah

1 County of Salt Lake ) as

2 County of Salt Lake ) as

3 County of Salt Lake ) as

4 County of Salt Lake ) as

5 In the 294 day of July 1981, personally appeared before me Pearl Lyle Heilson the signer of the with-

by commission expires September 23, 1984.

NOTARY FUBLIC HOLLIDAY-STATE OF UTAE. COMISSION BYFIRES-

Notary Miblio Rolliday Dtah

Recorded at request of S L City Atty City Less Dept July 30,1281 at 12:18 P.M. in Bk. 406 of Decds.Pg. 876.

Recording fee paid, No 700. (Signed) Julie Brans, Experient Sait Lake County Utah by W H Howard, Deputy.

[Reffringer D-51-14-88 p-51-24-11 p-51-37-19 p-51-67-40 p-51-1216-31-31-31-37-50 p-31-175-52]

D-31-138-32 p-51-188-32 p-51-107-41) Entered in water index \$43956

WARRANTY BEED

Ornary, without frances of Sale Late City Delikey Sr Sale Lake, State of Drah, hereby CHYER AND BURNARY (SPECIAL DELIA) County State of Drah for the sum of the Dillate the following State of Drah for the sum of the Dillate the following State of Drah for the sum of the Dillate the following State of Drah for the sum of the Dillate the following State of Drah for the Sum of the Dillate of Tomas of the Section 11 of Section 17, Tomas of the Section 11 of Section 17, Tomas of the Section 11 of Section 17.

EVIC Best 363-5870



hand delivered Draft Letter for future to Beth Ericksen Sending to Attorney General

possible exploration June 19,2008
Pertaining to June 19,2008
Sec 11 TAS RZW

In the 1930's Thomas S. Butterfield, a sheep man, owned property in Butterfield Canyon. In the Early 1960's he had a desire to sell this property and, as a Stockholder in the Herriman Irrigation Company, offered to sell it to the Company. It was known at that time he had sold the mineral rights to Combined Metals and successor Kennecott Copper Corp. which is now Rio Tinto.

During the 1970s the LDS Church or Riverton Stake President Leonard Beckstead desired to have a place where the stake people could use for outings and Scout experiences. For 30 years the LDS Stakes, which grew from one to ten stakes, has used this developed area and improved it. During this time there was a lot of public abuse damaging this facility and finally the LDS Church, with the permission of Kennecott Copper Corp. put up gates to keep the element from driving to the improved area which they had leased from the Herriman Irrigation Company. These gates have locks on them and until now we have never had anyone abuse the gates or cut the locks.

This month Erick Best, of Rio Tinto, came to my home and brought papers for me to sign vhich stated that for \$10.00 and other concessions \_\_\_\_\_(blank) would give them the right to enter property and do exploration work. With this paper he had a photo copy of the deed which showed that Thomas S. Butterfield had sold the mineral rights to Combined Metals Mining Co. and the ground was valued at \$12.30 per acre. He then went on to tell me they could go in and do their business on this ground without agreeing but that he did not do business this way and wanted to get our permission. I deferred and told him I would call a director's meeting and he could call me in a few days.

When he called back I told him they would have to put \$1,000.00 to \$2.500.00 in our account for us to hire an attorney to read the contract or agreement as we did not have money for this purpose. Also, that Salt Lake County had purchased the property next to ours for over \$50,000.00 an acre and that the mode of transportation was either walking or by horseback in 1930 when the property was valued at \$12.30 an acre. Now roads have been established and anything from four wheelers or vehicles would be traveling in and out to haul people around, and large equipment used for exploration causing damage to the surface of the property, and we felt they needed to compensate us for them treading on our property. He told me that he would take this to his people and get back to me. I have heard nothing from him.

Each year in November Salt Lake County blocks the road at the entrance to Butterfield Canyon which prevents vehicles, 4X4's, ATV's, and Motor Bikes, which are illegal in the canyon, from going up the road, however there is a walkway open for those who would like to walk or use a bicycle to traverse the canyon. On Thursday May 29, 2008, Salt Lake

County removed the barriers allowing motor vehicles to once again enjoy the drive through the canyon. On Friday I read in the paper that a person working for Kennecott Copper was injured on an ATV in Butterfield Canyon and taken to the hospital with a broken leg. Saturday the 31<sup>st</sup>, my son and I, along with our wives, drove up to check the Herriman Irrigation property and when we reached our gate the latch had been sawed off. We went to the 2<sup>nd</sup> gate located about a hundred yards beyond the first gate and it was still locked. We opened it and went to the area where a campground is located, checked the area, turned on the water to energize the water system, and left.

We called the County dispatcher and requested a deputy come to make a report. Deputy L. Arnold came and he told us he had been there the afternoon of May 29<sup>th</sup> and this gate was open and the mechanism had been cut.

On Tuesday, June 3, 2008, I purchased new supplies and that evening two of my sons and I went up and fixed the part on the gate that had been sawed off. While we were there we checked on a car that had been spotted in the brush on our property which had been there for, who knows how long since it had 2003 tags on the license plate.

On Friday, June 6<sup>th</sup>, we planned to go to the property for an outing but the weather was cold and we felt perhaps we would drive up on Saturday the 7th which we did. Between June 3<sup>rd</sup> and June 7<sup>th</sup>, Kennecott Copper people had returned and cut locks off gates # 2 & 3 with a corch and put their own locks on. They then sent an e-mail to Rod Dansie, Secretary of the water Company, to tell us that if we wanted to get through the gates to come to them for a key. I called the County Dispatcher and requested an officer to come and witness what KCC had done and make a report. Officer Melton did this and we left.

Our request to you is to direct us to what rights we have in the matter. We own the property and they own the mineral rights. How do we ward off the 'Big Dogs' who are trying to eat up the 'Little Dogs' without any compensation for the rights to trespass or do their exploration work.

